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Report of the Working Group on the Universal Periodic Review*

Samoa

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Samoa was held at the third meeting, on 3 May 2016. The delegation of Samoa was headed by Lautafi Selafi Purcell, Minister of Commerce, Industry and Labour. At its 11th meeting, held on 9 May 2016, the Working Group adopted the report on Samoa.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Samoa: Congo, Ecuador and India.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Samoa:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/25/WSM/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/WSM/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/WSM/3).

4. A list of questions prepared in advance by Mexico, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Samoa through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of the delegation, Lautafi Selafi Purcell, Minister of Commerce, Industry and Labour, stated that Samoa viewed the universal periodic review as an important opportunity not only to reflect on its human rights record but also to provide responses to recommendations received at the May 2011 universal periodic review and to provide answers to the advance written questions received from member States, namely Mexico, Slovenia, Spain and the United Kingdom.

6. Samoa noted the recommendation made with regard to the establishment of the national human rights institution, which had been established in 2013 under the Ombudsman Act. Since then, the institution had been proactive and committed to national and international engagement by producing the first human rights State party report of Samoa in 2015, as well as undertaking human rights training, outreach and awareness campaigns throughout the country, using all forms of media. The national human rights institution had been conscientiously working towards its accreditation in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) by the Global Alliance of National Human Rights Institutions. Once deemed compliant, Samoa would become the first accredited national human rights institution in the Pacific Region.

7. Recommendations made with respect to women's rights, the fight against domestic violence and violence against women and children had all been supported. Samoa had

achieved a critical milestone in the legislative landscape with the passing of the Family Safety Act 2013, which provided greater protection for families and the handling of domestic violence and related matters through the use of protection orders. Additionally, the Family Court of Samoa had been established in 2014 in an effort to protect the vulnerable, mainly women, children and youth offenders. Linked to those developments was the establishment of the Drugs and Alcohol Court in 2015, which received support from gender programmes to fund officers of the court. Both the Family Court and the Drugs and Alcohol Court were presided over by female Supreme Court judges. The initial setting up of the courts had been supported through secondment of New-Zealand-based female judges to Samoa, one of whom was Samoan.

8. Another notable piece of legislation enacted was the Crimes Act 2013, which had introduced several significant changes to provisions relating to sexual offences, such as an increase in maximum penalties; a more inclusive definition of offences, including a variety of forms of unwanted sexual contact; and the criminalization of marital rape.

9. Non-legislative measures for the prevention of violence against women and children were catered for under the gender programme funded by the Government of Australia and the United Nations country team, with complementary support provided by a regional programme on gender funded by the Government of Australia. Non-governmental organizations were contracted to deliver public awareness and community conversations through traditional drama, cultural songs and dance.

10. The delegation stated that, in response to the recommendation on the improvement of the situation of women in Samoan society and political life, Samoa had ensured greater participation of women in political and public life by unanimously passing a constitutional amendment in June 2013 that introduced a 10 per cent quota for women representatives in the national Legislative Assembly. That quota was a minimum, and it did not prohibit more women from entering into political roles in future general elections. Elections in March 2016 had resulted in a woman holding the position of deputy prime minister and deputy leader of the ruling party, namely the Human Rights Protection Party, as well as a record number of women running as candidates and the largest number of women ever being elected to Parliament (five).

11. Samoa recognized that the presence of more women in Parliament could influence and bring greater sensitization to a more balanced discussion of gender issues, as well as encourage a way forward to harmonize traditional and customary practices with the law regarding women in politics and the empowerment of women in general.

12. The pre-elections programme to enhance the political awareness of the public of the potential role that women could play had served its purpose well. Never before had there been such a popular issue clearly highlighted or one that had caused such interest in the outcome of the elections. Representatives of academia, in collaboration with the Ministry of Women, Community and Social Development and non-governmental organizations, were initiating discussions with the small number of villages that still did not recognize female title-holders.

13. Samoa had also enacted the Labour and Employment Relations Act 2013, which had introduced significant changes into the employment laws of Samoa, for both employers and employees, such as new maternity and paternity leave entitlements, an increase from two months to three months of paid leave and the introduction of new fundamental employment rights, including a ban on forced labour and equal pay for equal work. The Government would soon be launching the Samoa national employment policy, which provided a framework for employment under three pillars: labour supply, labour demand and policy framework. That would ensure equal opportunity employment for all, including women and youth. The youth employment programme supported by the United Nations country team,

as well as other development partners, focused on establishing an incubator with appropriate technical assistance and support to encourage micro- and small-scale enterprises by youth and women. Government support was also provided to the Women in Business organization, which gave women and their usually low-income families the chance to earn money through small agribusinesses under the farm-to-table initiative. The programme complemented national initiatives to promote import substitution, as well as the use of value chains to encourage more efficient production and consumption and enhance the economic empowerment of women.

14. The delegation indicated that such good practices by the Women in Business organization had also attracted financial support under the Enhanced Integrated Framework of the World Trade Organization to build a storage and processing warehouse to add value to products for niche export markets.

15. Similarly, the Small Business Enterprise Centre provided equal access for women and men under the small business loan guarantee scheme, providing securities for business loans from commercial banks. The Government continued to back financial deposits with the banks to cover the scheme. More than 2,000 small businesses with just over 50 per cent ownership by women had access to finance for their businesses under the scheme.

16. A privately run successful microcredit scheme continued to build on its female clientele to the extent that commercial banks had opened their doors for such businesswomen by providing them with larger loans.

17. In addition, the Samoa Development Bank administered a microfinance scheme targeting women's community groups on economic development activities. There were no restrictions on women accessing finance in Samoa from any bank or financial institution.

18. The Government had passed the Personal Property Securities Act 2013, which facilitated access to finance and transactions for businesses. The law also recognized the right of both men and women to own property and use such personal assets for business transactions.

19. The education of the children of Samoa was key to the development of the nation as a whole; that had been emphasized in the Education Act 2009, which focused on the importance of compulsory education for the 5- to 14-year-old cohort. Samoa supported the recommendation made regarding access to education to ensure that there was universal primary school education under the school fees scheme, initially supported by the Governments of Australia and New Zealand, but now fully funded by the Government of Samoa. Similarly, a school fee-paying scheme was provided at the secondary level, but only for years 9-11 to encourage higher retention rates from the primary to the secondary level. Greater attention was being paid to the emerging discrepancies whereby there were more girls than boys enrolling at all levels of education and males were performing less well than females.

20. The school fee paying schemes had contributed significantly to achieving Millennium Development Goal 2 on universal primary education. The enforcement of the Compulsory Education Act, along with anecdotal evidence, suggested that street vendors emerged only after school hours. Enforcement of the Child Labour Act was the issue to be tackled.

21. Samoa was fully dedicated to an inclusive education system which supported the integration of children with special needs into mainstream schools. The Inclusive Education Programme was carried out in partnership with the Government of Australia, and involved public, private and mission schools. The Government had identified private institutions that could provide service delivery for children with disabilities, such as SENESE Inclusive Education Support Services, Loto Taumafai and Aoga Fiamalamalama.

22. Significant reforms had also been made to tackle corporal punishment in schools; the Education Act 2007 prohibited corporal punishment in schools. The Childcare Protection Bill, which incorporated the Convention on the Rights of the Child in domestic law, would encompass the protection of children from violence and set out standards for approved carers. Samoa continued to conduct awareness-raising campaigns to ensure that alternative forms of discipline were administered in a manner consistent with the child's human dignity and in conformity with the Convention, in particular article 28 (2). Some of the development partners of Samoa had also institutionalized child protection policies in the sectors in which they were engaged and that they had funded under their development cooperation programmes.

23. The delegation stated that Samoa to date had sought and received support for capacity-building from the Secretariat of the Pacific Community, projects funded by development partners, the European Union, the United Nations Development Programme and the United Nations Children's Fund. Samoa would continue to seek assistance from United Nations agencies towards the implementation and fulfilment of its human rights obligations. In the designing and planning of national programmes that were co-funded by the development partners of Samoa, a rights-based approach was used so that there was meaningful engagement with all stakeholders and the appropriate safeguards measures were in place.

24. On disability, the Government had taken the necessary steps to ensure that legislative compliance reviews were undertaken and cost implementation assessments were in place for Samoa to harmonize its human rights legislation with international standards. The disability task force established by cabinet directive worked closely with Nuanua o le Alofa, the focal point of contact for people with disabilities, in partnership with other non-governmental organizations promoting inclusive participation for people with disabilities at all levels.

25. The Australia-Samoa partnership invested in two major programmes for people with disabilities, the Disability Programme and the Inclusive Education Programme. The Disability Programme was designed to assist the Government of Samoa in moving towards ratification of the Convention on the Rights of Persons with Disabilities, now planned to be done by December 2016.

26. On legislative review and policy measures, the Government was committed to ensuring that the treaties already ratified, particularly the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Convention on the Rights of Persons with Disabilities once it was ratified, were incorporated in national laws and implementation plans. To that end, Samoa was working with relevant government agencies and offices to ensure that the principles contained in ratified treaties were incorporated in national laws and programmes for implementation.

27. With regard to justice and law reforms, one of the key goals of the public administration sector plan for the period 2014-2018 was working towards establishment of an independent anti-corruption commission. The sector intended to seek technical assistance from the development partners of Samoa for the design and structure of the commission.

28. Currently, there was an anti-corruption partnership between the National Prosecution Office, the Chief Auditor and Controller and the police. A freedom of information act must be based on national policy direction. Despite the absence of such an act, there was freedom to access and disseminate information and there was freedom of expression.

29. The implementation of the law and justice sector plan had seen the separation of the Ministry of Police and the Correctional Services. The upgrading of prison facilities included relocation to a bigger site and the construction of new infrastructure, to be funded from the national budget. The proposed new infrastructure included the provision of rehabilitative programmes for inmates so that reintegration into communities was facilitated. That included appropriate health and counselling facilities.

30. Under the law and justice sector reforms, the Government had also looked into the rehabilitation of deported returnees. The Office of the Attorney General, under the auspices of the law and justice sector, had collaborated to set up the first charitable trust in the Pacific for returnees. The main goal of the Samoa Returnees Charitable Trust Integration Assistance Programme was to provide resettlement services, family reunification links and temporary accommodation to ensure a strategic intervention with regard to the growing number of returnees and a potentially increase in antisocial behaviour.

31. Establishing a mechanism to support deportees through the period of their arrival and resettlement in Samoa would help, both from a security perspective in preventing the development of a cultural underclass linked to transnational criminal organizations and involved in criminal activity, and from a human rights perspective, enabling the deportees to become responsible, contributing members of the Samoan community. The initiative was establishing vocational networks to allow returnees to prove to the community that they were law-abiding citizens and deserved a second chance. The successful implementation and sustainability of the programme was premised on the support of traditional social structures, including extended families and faith-based organizations.

32. The delegation stated that some important changes had emerged from the health sector: maternity leave was now up to 6 months, and paid leave had been extended from 8 to 12 weeks, with 5 days of parental leave.

33. Abortion was illegal and could only be performed on medical grounds if there was the life of the pregnant woman was in danger.

34. The focus of the United Nations Population Fund in Samoa was on strengthening national capacity to deliver family planning and reproductive health services, as well as sexual and reproductive health services for young people. Implementation was focused on setting up strategically located youth health centres, where young people would have access to such services with privacy guaranteed. A growing group of youth peer educators had been trained to lead peer learning in sexual and reproductive health services within faith-based youth organizations, with support from the ministries of community development health and education.

35. The Government remained committed to ensuring that it ratified all core human rights conventions to safeguard citizens and their rights, and therefore had accepted the recommendations in that regard.

36. Samoa would be the first Pacific island country to ratify the three Optional Protocols to the Convention on the Rights of the Child. It had submitted the instruments of ratification for all three Optional Protocols: (a) on the involvement of children in armed conflict; (b) on the sale of children, child prostitution and child pornography; and (c) on a communications procedure. That showed the strong commitment of Samoa to the protection of children from harmful practices that might affect their rights and freedoms.

37. Samoa was working towards the ratification of the Convention on the Rights of Persons with Disabilities, as disability rights was one of the biggest human rights issues. Samoa would continue to work with international and regional partners on the development of specific stand-alone disability legislation to support the full implementation of the

Convention. Following that, Samoa would then ratify the Convention on the Rights of Persons with Disabilities by December 2016.

38. Samoa looked forward to the establishment of a national monitoring review framework, to be housed in the Ministry of Foreign Affairs and Trade, to efficiently monitor and evaluate all human rights reporting so that human rights reporting with obligations would go through a consultative process in a timely manner.

39. On behalf of the Government of Samoa, the Minister thanked all the delegations that had provided comments to the universal periodic review of Samoa, and the troika comprised of Congo, Ecuador and India, for the guidance provided. Samoa welcomed technical and financial assistance provided by the international community to implement its human rights commitments, and was determined to continue to work to comply with its international human rights obligations and to pursue its close cooperation with all stakeholders to meet those commitments.

B. Interactive dialogue and responses by the State under review

40. During the interactive dialogue, 48 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

41. Fiji commended the important transition of the Office of the Ombudsman under the 2013 Act into the national human rights institution of Samoa in accordance with the Paris Principles. Fiji noted the adoption of a 2013 act designed to deal effectively with domestic violence.

42. The Republic of Korea welcomed the establishment of the national human rights institution, the opening of the Community Law Centre and the enactment of the Family Safety Act. It remained concerned about women's and gender equality issues and public awareness-raising regarding persons with disabilities.

43. Georgia appreciated laws enacted since the first review, including the Crimes Act, the Family Safety Act, the Community Law Centre Act and the Prisons and Corrections Act. Georgia commended Samoa for establishing the national human rights commission within the existing Office of the Ombudsman.

44. Germany urged Samoa to consider the ratification of the main human rights conventions. While appreciating the guaranteed free schooling for all primary and secondary education students, Germany continued to be worried about the reported widespread violation of children's rights.

45. Ghana appreciated increased human rights awareness-raising programmes by the Ministry of Women, Community and Social Development and the police. Ghana welcomed the legislative reforms taken to comply with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

46. Guatemala noted steps taken to promote human rights. It noted positively the creation of the Office of the Ombudsman to monitor, promote and protect the fundamental rights of all persons.

47. Haiti thanked Samoa for its comprehensive report, noting progress achieved in the field of child rights and persons with disabilities.

48. Costa Rica applauded the 2013 Ombudsman Act extending the mandate of the Ombudsman and creating the national human rights institution. Costa Rica welcomed the establishment of quota for female members of Parliament and the election of a woman to the position of Deputy Prime Minister.

49. Indonesia appreciated efforts made by Samoa on legal and social reform, as recommended in the first cycle. It encouraged Samoa to further promote a strengthened independent national human rights institution. Indonesia encouraged the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

50. Ireland commended positive developments since the first review. Ireland urged that additional attention be paid to children's rights, and it echoed the concerns of the International Labour Organization at the persistence of child labour, including child street vendors.

51. The delegation of Samoa pointed out that the Government had been working on the ratification of a number of international instruments. In reply to questions on specific issues, Samoa indicated that the Constitution already included provisions against torture and mistreatment of persons in custody. Concerning the adverse effects of climate change, Samoa had recently been a signatory to the Paris Agreement on climate change, which paved the way for future global action. Immediately after signing, Samoa had deposited its instrument of ratification. The recommendation of the first cycle on the establishment of a sex-offender registry had been implemented and the relevant instrument was now before the Parliament for adoption. Authorities and institutions had recently been involved in a weeklong training session on sex offences.

52. Samoa was not procrastinating on the ratification of international treaties; it would examine all human rights conventions for possible ratification, but it would first make sure that an adequate legal framework for their implementation was in place. That exercise, which was absolutely essential, would take time.

53. Italy welcomed progress on women's rights with the adoption of the Family Safety Act, the creation of a specialist family violence court and the introduction of the crime of marital rape. Italy commended Samoa for results achieved in the field of compulsory education.

54. Jamaica noted robust human rights awareness-raising programmes and the strong commitment to governance, which emphasized the Samoan way of life. Jamaica encouraged Samoa to continue engaging religious leaders to play a more active role in promoting women's rights and reducing domestic violence.

55. Malaysia noted efforts taken to increase school enrolment among children with disabilities or those in vulnerable socioeconomic situations. Malaysia noted that further efforts could be undertaken to counter discrimination against women, eliminate violence against children and promote the rights of persons with disabilities.

56. Maldives welcomed the progress made, notably the constitutional amendment introducing a 10 per cent quota reserving five seats for women in Parliament. Maldives encouraged Samoa to continue reaching out to international partners, including OHCHR, to further strengthen efforts to promote and protect human rights in Samoa.

57. Mexico highlighted the creation of the Office of the Ombudsman. It noted efforts made by Samoa to promote the rights of women, as reflected in the Labour and Employment Relations Act 2013, and urged the Government to take the measures necessary to ensure its effective implementation.

58. Morocco appreciated the consultative approach to preparing the national report. It welcomed efforts towards harmonizing national legislation with international norms, such as the adoption of the Samoa national development strategy; the creation and design of 15 sectoral plans covering such matters as agriculture, education, communication, health and public administration; and the law and justice sector plan for the period 2012-2016.

59. Namibia commended Samoa for reforms of enabling legislation, including the national Constitution, which had created the mandate of the Office of the Ombudsman. It noted the "My rights friendly school programme", which included a mock universal periodic review competition and asked for information regarding that programme.

60. The Netherlands noted progress made by Samoa in promoting human rights within its legislative and policy frameworks. It expressed concern about discrimination on the ground of gender identity. The Netherlands encouraged Samoa to engage more widely with the United Nations human rights system.

61. New Zealand commended Samoa on progress made in increasing participation by women in Parliament and government leadership positions. New Zealand noted that further work was required in the area of lesbian, gay, bisexual and transgender rights.

62. Pakistan expressed appreciation for efforts on gender equality, economic empowerment and access to justice. It noted legislative reforms to achieve compliance with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and measures to establish and improve national human rights institutions. It commended action to implement recommendations related to education and climate change.

63. Regarding the death penalty, the delegation of Samoa stated that it had been abolished in 2004. On ownership of land, Samoa clarified that any woman in the country could own and co-share land and other property, though in a few villages where women were not recognized as main title-holders that right was not duly recognized. Samoa emphasized that much work had been done to increase awareness of human rights among the population, bearing in mind that certain issues, such as discriminatory practices on sexual matters, were especially difficult to face, as they involved cultural and religious sensitivities. Samoa also indicated that in July 2016 it would be among the first 22 countries to provide a voluntary report on the implementation of the Sustainable Development Goals.

64. The instruments of ratification for the Optional Protocols to the Convention on the Rights of the Child had been deposited and registered with the United Nations on 29 April 2016. Due note was taken of delegations' comments on two important issues: water sanitation and mental health.

65. The Philippines recognized the reforms undertaken since the first review of Samoa. The Philippines called on the international community to extend financial and technical resources to Samoa in addressing concerns about high levels of non-communicable diseases and health issues induced by climate change.

66. Portugal welcomed the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the adoption of the Constitutional Amendment Act requiring a 10 per cent quota for women parliamentarians. Portugal also welcomed the standing invitation extended to the Council's special procedures, and the adoption of the Family Safety Act in 2013, which provided for an extensive definition of domestic violence.

67. France welcomed the establishment of the national human rights institution and encouraged Samoa to continue efforts to combat discrimination against women.

68. Sierra Leone welcomed the signing of the Convention on the Rights of Persons with Disabilities and the adaptation of various facilities for persons with impaired vision. Sierra Leone encouraged Samoa to continue seeking technical assistance to mitigate the impact of climate change, and to ensure that women's access to land for economic empowerment was guaranteed.

69. Slovenia noted remaining challenges, such as the prevalence of stereotypical portrayals of women, and sexual violence against women and girls. It also noted that same-sex relations between consenting adults continued to be criminalized.

70. Spain noted the creation of a national human rights institution, progress on the rights of women, and the review of criminal law to punish rape both outside and within marriage. It appreciated action taken regarding the right to drinking water and sanitation.

71. Timor-Leste noted with appreciation the constitutional amendment introducing a quota for women representatives in the Legislative Assembly, as well as the broadening of the Ombudsman's functions. It commended Samoa for the establishment of a family court and for enacting the new Crimes Act 2013 outlining penalties for sexual offences.

72. Turkey welcomed the progress achieved by Samoa in the areas of combating discrimination against women and ensuring equality between men and women, noting the introduction in the Constitution of a quota of 10 per cent for women representatives in the Legislative Assembly. It commended the recent adoption of a law protecting women and children from domestic violence.

73. Ukraine commended the achievements of Samoa since the first review, particularly the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Ukraine encouraged Samoa to take further measures to continue improving human rights, including in the spheres of women's and children's rights, health, criminal justice and freedom of religion.

74. The United Kingdom commended action to support the victims of family violence through enactment of the Crimes Act and the establishment of the Alcohol and Drugs Court. It called on the whole of the Government of Samoa to take greater ownership of strengthening the protection of women and children from domestic violence.

75. Samoa pointed out that a working group on child labour had been established in 2015 and that the new national sustainable development strategy would come into effect on 1 July 2016. The general theme of that strategy was an acceleration of sustainable development and the creation of opportunities for all. It was against that framework that the human rights commitments of Samoa would be implemented.

76. The United States of America commended Samoa for successfully holding free and fair parliamentary elections, and was encouraged by progress made in increasing women's participation in the political process. It expressed concern that domestic violence against women persisted, prison conditions were poor and laws regarding hazardous work conditions for children were too vague.

77. Uruguay welcomed measures adopted to protect women and children. It also welcomed participation by rural communities in the fight against violence in the villages where campaigns to eradicate gender-based violence had been carried out. It noted the intention of Samoa to review its legislation so as to incorporate the Convention on the Rights of Persons with Disabilities.

78. The Bolivarian Republic of Venezuela noted that Samoa was carrying out important legislative reforms to bring its domestic laws into compliance with its international human rights obligations. It noted the constitutional reform of 2013, which had established a 10 per cent quota for women representatives in the Legislative Assembly. It also noted that, despite the lack of resources, inclusive education had continued to be a priority.

79. Algeria noted that Samoa had strengthened its domestic legal framework to reduce gender inequality and to combat violence against children and torture. Algeria noted that, despite its lack of resources, Samoa had made commendable efforts in such areas as children's education, the care of persons with disabilities, and health.

80. Argentina noted that, since the previous universal periodic review cycle, Samoa had adopted legislative and other measures to follow up on the recommendations it had received. It urged Samoa to continue progress in the promotion and protection of human rights.

81. Armenia noted the Inclusive Education Policy 2014 and appreciated its focus on improving educational opportunities for young children and children with disabilities. It also welcomed the adoption of the Family Safety Act 2013, which provided protection for women and children from domestic violence, and encouraged Samoa to step up efforts in that regard.

82. Australia commended the implementation by Samoa of its 2013 legislation to ensure that 10 per cent of the members of the national Parliament were women. It acknowledged efforts made by Samoa to address violence against women and girls, including the passing of the Family Safety Act 2013.

83. Brazil noted with appreciation efforts carried out by Samoa since 2011 to improve the human rights situation in the country. It acknowledged steps taken by Samoa to eliminate the worst forms of child labour by reviewing its labour legislation. It welcomed the publication by the Office of the Ombudsman of its first report and the signature by Samoa of the Convention on the Rights of Persons with Disabilities in 2014.

84. Cabo Verde welcomed the establishment of the national human rights institution within the Office of the Ombudsman, achievements relating to the Millennium Development Goals, policies in favour of women and children's education, and a new criminal law on sex crimes.

85. Canada welcomed the introduction of legislative provisions in 2013 requiring Parliament to have at least five female representatives, and noted with satisfaction the unprecedented election of five women members of Parliament in the 2016 general elections, which had included the election of the first female Deputy Prime Minister of Samoa.

86. Chile valued efforts to improve the quality of life of persons with disabilities and welcomed the decision of Samoa to ratify the Convention on the Rights of Persons with Disabilities. Chile stressed the adoption of a law banning corporal punishment of children in the school environment, and the reform of domestic legislation with a view at harmonizing it with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

87. China noted with appreciation the application of strategies stimulating sustainable development, and the promotion by Samoa of the rights of women and children, education and health. China commended the cooperation of Samoa with OHCHR, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other development partners, and called on the international community to provide Samoa with technical cooperation.

88. Honduras welcomed efforts made by Samoa to implement the recommendations it had received during its first universal periodic review. It commended Samoa for ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and for signing the Convention on the Rights of Persons with Disabilities, and expressed the hope that the latter would soon be ratified.

89. Cuba noted the adoption of a number of laws which had contributed to the improvement of the juridical framework for the promotion and protection of human rights. Major progress had been achieved in the field of children's rights, especially with regard to children with disabilities, gender equality and women's representation in the political arena.

90. Cyprus welcomed the enactment of the 2013 Ombudsman Act expanding the Office of the Ombudsman as the national human rights institution of Samoa, as well as the passing of the 2013 Family Safety Act and the constitutional amendment establishing a 10 per cent quota for women representatives in the legislative assembly.

91. Denmark was pleased to note that Samoa, during its first universal periodic review, had accepted recommendations for the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and hoped that Samoa was taking steps to join the 159 States parties to the Convention. In that regard, Denmark highlighted that the Convention against Torture Initiative stood ready to explore avenues to assist the Government of Samoa in advancing towards ratification.

92. Egypt commended the progress achieved by Samoa in the areas of rights of children, women, political participation, education and health. Egypt acknowledged the commitment of the Government to, inter alia, the adoption of the national development strategy and the reproductive health policy. Egypt was encouraged by the establishment of a special investigation unit to monitor and investigate human rights complaints.

93. Montenegro asked Samoa to further elaborate on activities undertaken to support the work of the Ombudsman while ensuring adequate resources for it to effectively carry out its mandate. Montenegro noted efforts made to ratify the Convention on the Rights of Persons with Disabilities and asked the delegation to provide further information on the current stage of the ratification process.

94. The delegation of Samoa expressed sincere thanks to all countries participating in the interactive dialogue and assured them that all recommendations would be examined seriously.

II. Conclusions and/or recommendations**

95. **The following recommendations enjoy the support of Samoa, which considers that they are already implemented or in the process of implementation:**

95.1 **Ratify the Convention on the Rights of Persons with Disabilities (Georgia) (Italy) (Portugal) (Ukraine) (Guatemala);**

95.2 **Consider ratifying the Convention on the Rights of Persons with Disabilities (Pakistan) (Republic of Korea);**

95.3 **Ratify and implement the Convention on the Rights of Persons with Disabilities (New Zealand);**

95.4 **Ratify the Convention on the Rights of Persons with Disabilities and, in so doing, ensure adequate education for children with mental and physical disabilities (United Kingdom of Great Britain and Northern Ireland);**

95.5 **Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Uruguay);**

95.6 **Complete ratification of the Convention on the Rights of Persons with Disabilities (Turkey);**

95.7 **Continue developing its successful programmes for the implementation of the Convention on the Rights of Persons with Disabilities (Bolivarian Republic of Venezuela);**

** The conclusions and recommendations have not been edited.

95.8 **Deepen actions and measures intended to accede to the Convention on the Rights of Persons with Disabilities and guarantee the full exercise of human rights of persons with disabilities (Argentina);**

95.9 **Ratify the Convention on the Rights of Persons with Disabilities to ensure the rights of people with disabilities are safeguarded (Australia);**

95.10 **Continue with ongoing efforts to ratify the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, in line with recommendations it accepted during its first review in 2011 (Ghana);**

95.11 **Ratify the three optional protocols to the Convention on the Rights of the Child: the Optional Protocol on the sale of children, child prostitution and child pornography; the Optional Protocol on the involvement of children in armed conflict; and the Optional Protocol on a communications procedure (France);**

95.12 **Sign the Optional Protocols to the Convention on the Rights of the Child (Republic of Korea);**

95.13 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Uruguay) (Guatemala);**

95.14 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Germany);**

95.15 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Costa Rica);**

95.16 **Adopt the necessary measures in the legislative sphere as well as policy measures and allocation of resources to incorporate and effectively implement the Convention on the Elimination of All Forms of Discrimination against Women in its domestic law (Honduras);**

95.17 **Further promote gender equality by implementing the Convention on the Elimination of All Forms of Discrimination against Women in terms of access to employment (Cyprus);**

95.18 **Take positive steps to implement the Family Safety Act among law enforcement agencies (Fiji);**

95.19 **Amend the Family Safety Act to provide anonymity and protection for those who make complaints of family violence under the Act (Fiji);**

95.20 **Enforce the 2013 Family Safety Act, especially ensuring the full prohibition of sexual harassment and spousal rape (United States of America);**

95.21 **Harmonize national laws with the international regulations on the rights of women and children (Ukraine);**

95.22 **Increase efforts in the process of reconciling internal legislation with Convention on the Elimination of All Forms of Discrimination against Women norms through the inclusion of a specific definition of discrimination against women, consistent with article 1 of the Convention (Chile);**

95.23 **Further enhance national policies to promote the rights of women and children (Georgia);**

95.24 **Continue supporting the work of the National Human Rights Institution, in line with the Paris Principles and in collaboration with civil society and other relevant stakeholders, to raise awareness on human rights and conduct more human rights activities in Samoa (Indonesia);**

95.25 **Allocate adequate human and material resources to the national human rights commission (Spain);**

95.26 **Consider establishing an independent national human rights institution in accordance with the Paris Principles (Timor-Leste);**

95.27 **Establish an independent national human rights institution in accordance with the Paris Principles (Turkey);**

95.28. **Redouble efforts to strengthen its national human rights institution, in accordance with the Paris Principles (Honduras);**

95.29 **Continue to expand human rights awareness as being complementary to the Samoan way of life (Jamaica);**

95.30 **Enhance efforts to provide human rights training for law enforcement agencies (Malaysia);**

95.31 **Conduct public awareness campaigns and education programmes on human rights issues, targeting all sectors of the population (Sierra Leone);**

95.32 **Step up activities to increase participation of women in public life and decision-making (Turkey);**

95.33 **Continue to consolidate its human rights policies, particularly in the sphere of economic, social and cultural rights, in order to continue enhancing the quality of life of its people, especially the most vulnerable sectors of the population (Bolivarian Republic of Venezuela);**

95.34 **Pursue the recommendations outlined in the 2015 State of Human Rights Report, particularly those relating to women, children, people with disabilities and prisoners (Australia);**

95.35 **Continue applying measures to improve the rights of persons with disabilities, in particular through the implementation of the policy on disability 2016-2020 (Cuba);**

95.36 **Establish an interministerial committee responsible for the implementation of its international obligations, inter alia, for coordinating the drafting of the national reports to the treaty bodies and for organizing country visits by the Council's special procedures (Portugal);**

95.37 **Submit its overdue reports to the Human Rights Committee and the Committee on Enforced Disappearances (Sierra Leone) (Ukraine);**

95.38 **Enhance cooperation with the special procedures by encouraging visits by the working groups and special rapporteurs (Turkey);**

95.39 **Take the necessary measures to remove difficulties facing persons with disabilities, including improving access to public spaces and services and empowering children and women with disabilities to exercise their rights (Republic of Korea);**

95.40 **Exert concrete efforts to eliminate all forms of discrimination and violence against women (Republic of Korea);**

95.41 **Continue efforts in promoting women's rights (Morocco);**

95.42 **Strengthen efforts to eliminate patriarchal attitudes and stereotypes that discriminate against women, including through a comprehensive public awareness programme (Slovenia);**

95.43 **Put in place a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women (Namibia);**

95.44 **Review and reform all policies, laws and practices that restrict women's rights to equal employment, property and credit, as well as access to medical care and related services (Haiti);**

95.45 **Take concrete steps to improve access to decent work and other economic opportunities for women in achieving gender equality (Malaysia);**

95.46 **Implement awareness-raising and training programmes for school staff and students to create safe educational environments free from discrimination (Maldives);**

95.47 **Prohibit discrimination on the ground of gender identity in employment legislation, such as by amending the Labour and Employment Relations Act, 2013 (Netherlands);**

95.48 **Conduct gender competence and domestic violence law training of its law enforcement agencies, including the police, prosecutors and the judiciary (Fiji);**

95.49 **Take all necessary measures to prevent and stop domestic violence, including through providing shelters for persons under threat, in coordination with the "Samoa Victims Support Group" (Brazil);**

95.50 **Investigate and prosecute all allegations and incidents of acts of violence against women and girls, including domestic violence. Implement targeted training for law enforcement, and engage with community leaders in the development of public education campaigns (Canada);**

95.51 **Take active steps to further promote children's rights by spreading awareness about domestic violence and child labour and emphasizing the importance of students' school attendance (Germany);**

95.52 **Put in place measures to prevent and combat conjugal and sexual violence and provide appropriate assistance and protection to victims, particularly in rural areas (Haiti);**

95.53 **Consider, as soon as possible, compiling statistical data on sexual offences against children and putting in place a registry of persons convicted of such offences (Haiti);**

95.54 **Promote awareness-raising campaigns aimed at preventing and combating violence against women and domestic violence (Italy);**

95.55 **Ensure that women victims of violence receive appropriate help and perpetrators are brought to justice (Italy);**

95.56 **Establish effective child abuse reporting mechanisms and ensure the appropriate remedy and rehabilitation for child victims (Malaysia);**

95.57 **Set up a shelter for victims of sexual abuse and violence (Maldives);**

95.58 **Develop a national action plan to combat trafficking in persons that includes measures for the rehabilitation of victims and training of the officials involved in investigating these crimes (Mexico);**

95.59 **Establish effective and transparent mechanisms to prevent violence, in particular against women, girls and boys, and ensure that these mechanisms are allocated with the necessary capacity and resources to be operational (Mexico);**

95.60 **Put in place comprehensive measures to prevent and address domestic violence and ensure that women have access to immediate means of redress and protection and that the perpetrators are prosecuted (Portugal);**

95.61 **Further protect children against violence and child labour through the strengthening of legislation, in order to safeguard their well-being and their right to education (Portugal);**

95.62 **Conclude the enactment of the bill to establish a policy against harassment in the public sector (Spain);**

95.63 **Ensure the application in the private sector of the provisions against sexual harassment of the Labour and Employment Relations Act (Spain);**

95.64 **Establish a coordination mechanism to combat child labour, including in all its worst forms (United States of America);**

95.65 **Apply harsher sentences for sexual violence and child abuse, with a view to strengthening laws on child protection, as well as developing new avenues for making complaints of child abuse, sexual aggression and incest which are adapted to children (Uruguay);**

95.66 **Strengthen measures to combat child abuse (Algeria);**

95.67 **Raise the level of protection for children. in particular against sexual abuse and child labour (Cabo Verde);**

95.68 **Continue progress in harmonizing its legislation on child labour with international standards (Chile);**

95.69 **Continue national efforts for the establishment of specialized courts on violence against women, particularly domestic and sexual violence (Guatemala);**

95.70 **Accelerate the procedure for the adoption of the bill reviewing the age of criminal responsibility (Turkey);**

95.71 **Provide members of the Samoa Police Service with training on the human rights of accused and detained persons, and ensure that provisions made for food, water and sanitation at detention facilities meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (Canada);**

95.72 **Uphold the commitment as to the realization of the human rights to safe drinking water and sanitation (Spain);**

95.73 **Take measures to facilitate access to credit for women in rural areas (Honduras);**

95.74 **Step up efforts to promote sexual education, particularly oriented towards adolescents, paying special attention to the prevention of early pregnancy and to the control of sexually transmitted diseases and HIV/AIDS, as previously recommended (Mexico);**

95.75 **Adequately resource and implement the Mental Health Act of 2007 (United Kingdom of Great Britain and Northern Ireland);**

95.76 **Ensure effective implementation of the 2009 Education Act and also develop a national strategy to reduce dropout rates and to address cases of school-aged children working as street vendors (Italy);**

95.77 **Strengthen the implementation of policies to permit teenaged mothers to return to formal education and sit exams after giving birth, aimed at breaking cycles of poverty, teenage pregnancy and domestic abuse (Jamaica);**

95.78 **Step up efforts to achieve universal basic education and implement specific measures to reduce and prevent the dropping out of school by girls (Mexico);**

95.79 **Enhance efforts to improve access to quality education for all at all levels (Philippines);**

95.80 **Provide more school opportunities for children and strengthen education, vocational and technical training (China);**

95.81 **Continue efforts aiming at enhancing human rights education, especially for children (Egypt);**

95.82 **Protect land rights for indigenous communities (Cabo Verde);**

95.83 **Promote climate change mitigation and adaptation strategies and disseminate these to the entire Samoan society and in the school curriculum (Haiti);**

95.84 **Adopt measures to address the adverse effects of climate change with a human-rights-based approach, and strengthen the strategies for adjustment and management of disaster risk (Costa Rica);**

95.85 **Strengthen adaptation measures to curb the long-term effects of climate change (Maldives);**

95.86 **Continue efforts in terms of climate change mitigation strategy, including through assistance to the Samoan population in case of natural disasters and with the support of the international community (Morocco);**

95.87 **Monitor and evaluate the long-term effects of climate change (Sierra Leone);**

95.88 **Continue to strengthen 15 sectors identified for effective implementation of the Sustainable Development Goals (Pakistan);**

95.89 **Promote economic development, in a sustainable manner, to improve the quality of life of its population (China);**

95.90 **Apply a national development policy which incorporates the Sustainable Development Goals, the creation of an enabling environment for economic growth and improved services for the most marginalized communities (Cuba);**

95.91 **Continue the cooperation with OHCHR, including on identifying and developing programmes for capacity-building and technical assistance (Egypt).**

96. **The following recommendations will be examined by Samoa, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council, in September 2016:**

96.1 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and the International Covenant on Economic, Social and Cultural Rights by the third universal periodic review at the latest (Germany);**

96.2 **Take steps to ratify the remaining five core United Nations human rights treaties, namely the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);**

96.3 **Ratify the International Covenant on Economic, Social and Cultural Rights (Costa Rica) (Netherlands) (Algeria) (Montenegro) (Portugal) (Guatemala);**

96.4 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);**

96.5 **Consider accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to strengthen further its national legal framework (Indonesia);**

96.6 **Ratify the remaining core human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the Convention on the Prevention and Punishment of the Crime of Genocide (Ireland);**

96.7 **Sign and ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination (Italy);**

96.8 **Consider ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights (Namibia);**

96.9 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Portugal) (Guatemala);**

96.10 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (France);**

96.11 **Ratify the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (France) (Uruguay);**

96.12 **Take steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New Zealand);**

96.13 **Accede to the Convention against Torture and its Optional Protocol (Chile) (Honduras);**

96.14 **Intensify efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

96.15 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (France) (Uruguay) (Montenegro) (Portugal);**

96.16 Ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention on the Elimination of All Forms of Racial Discrimination (Sierra Leone);

96.17 Ratify the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Slovenia);

96.18 Consider ratifying, as soon as possible, fundamental international human rights instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Economic, Social and Cultural Rights (Timor-Leste);

96.19 Accede to other fundamental international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Turkey);

96.20 Consider ratifying other key international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as Optional Protocols to the Convention against Torture and the Convention on the Rights of the Child (Ukraine);

96.21 Consider ratifying the international instruments to which the country is not yet party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Argentina);

96.22 Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);

96.23 Accede to the International Covenant on Economic, Social and Cultural Rights (Armenia) (Honduras);

96.24 Ratify international human rights instruments to which it has not yet adhered, such as the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as their protocols (Brazil);

96.25 Accede to the International Convention on the Elimination of All Forms of Racial Discrimination and to the two optional protocols to the International Covenant on Civil and Political Rights, with particular reference to the abolition of the death penalty in all circumstances, (Honduras);

96.26 **Ratify international instruments on the prevention of trafficking in persons (Costa Rica);**

96.27 **Consider ratifying international human rights treaties to which it is not yet a State party (Philippines);**

96.28 **Ratify those core international human rights instruments not yet ratified (Cabo Verde);**

96.29 **Take all necessary measures towards becoming a State party to more core human rights treaties (Cyprus);**

96.30 **Consider ratification of all core human rights conventions (Egypt);**

96.31 **Take steps to address inequalities affecting human rights in the area of discrimination based on sexual orientation and gender identity (New Zealand);**

96.32 **Repeal all provisions criminalizing same-sex relations between consenting adults (Slovenia);**

96.33 **Complete the updating of legislation by decriminalizing homosexual relations between consenting adults (Spain);**

96.34 **Combat discrimination based on sexual orientation and gender identity by decriminalizing "sodomy" and "indecency between males", which currently constitute crimes punishable by prison sentencing for up to seven years (United States of America);**

96.35 **Repeal laws that criminalize consensual same-sex conduct, and prohibit discrimination on the grounds of sexual orientation or gender identity in all areas of public life, including employment, health and education, bringing the legislation of Samoa into conformity with its commitment to equality (Canada);**

96.36 **Adopt measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity (Chile);**

96.37 **Adopt measures to reduce violence against women and girls and violence based on sexual orientation and gender identity (Slovenia);**

96.38 **Amend its laws to prohibit corporal punishment of children in all settings and circumstances, and take further steps to eradicate child labour and guarantee the right to education of all children (Ireland).**

97. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Samoa was headed by Hon. Lautafi Selafi Purcell and composed of the following members:

- Hon. Lautafi Selafi Purcell, Minister of State;
- Peseta Noumea Simi, Chief Executive Officer, Ministry of Foreign Affairs & Trade;
- Constance Rivers, Associate Public Solicitor, Office of the Attorney General;
- Olive Vaai, Senior Foreign Service Officer, Ministry of Foreign Affairs & Trade;
- Pierina Katoanga, Second Secretary, Samoa Mission to the United Nations, New York.